

REMARKS

This responds to the Office Action mailed on January 3, 2007.

Claims 1, 2, 8, 12, 14, 16, 17, 20-22, 27, and 31 are amended, and no claims are cancelled or added; as a result, claims 1-32 remain pending in this application.

Claim Objections

Claims 2, 8, 17, 20-22, 27 and 31 were objected to for informalities. These claims have been amended as suggested in the Office Action.

§101 Rejection of the Claims

Claims 12-22 and 27-32 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Assertion in the office action that these claims simply recite an abstract idea fails to consider both the practical result and physical transformations recited in the claims. It is also noted that physical transformation is not required for a computerized invention to be statutory, but is simply one of multiple “safe harbor” elements that makes a computerized process statutory under *Diamond v. Diehr*.

Under MPEP 2106 IV B 2 ii, the concrete, useful, tangible result safe harbor test is met by the pending claims, each of which produce a concrete, useful, tangible result (reporting game technical information of the computerized gaming system to a game administrator via an audio system). It is specifically noted that the result of audibly providing game technical information is much more tangible than the variety of results indicated as statutory under this test (and therefore tangible) in the above-cited portion of the MPEP, which include caching data, controlling parallel processors to maximize efficiency, and removing noise from a digital audio signal absent any physical transformation.

More specifically, the “concrete, useful, tangible” test does not require a physical or touchable result to be “tangible” as it is described in caselaw and in the MPEP, even though such a result is provided here via the physical interface provided via the claimed audio system.

Because the pending claims both have a physical interface (the audio system) and produce a concrete, useful, and tangible result consistent with what is required in the MPEP and by relevant case law, these claims are believed to be statutory under 35 U.S.C. §101.

§102 Rejection of the Claims

Claims 1-2, 5, 8, 12-13, 16 and 19 were rejected under 35 U.S.C. § 102(b) for anticipation by Takemoto et al. (U.S. 5,984,780).

Takemoto describes a gaming system operable to manage image information, such as the image of a game player, to perform various functions in a wagering game machine. It also describes in the cited col. 25, ln. 59-61, use of a sound output section (2209 of Figure 22) to output a predetermined alarm sound when an illegal act has been detected.

The pending claims have all been amended (or the claims from which they depend have been amended) to reflect that the information reported via the audio module is reported via voice, and is not simply an alarm signal as is recited in Takemoto.

Reexamination and allowance of these pending claims, and of their dependents, is therefore respectfully requested.

§103 Rejection of the Claims

Claims 1-9, 11-20, 22-27 and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolf et al. (U.S. Publication No. 2004/0072611 A1) in view of Lucent (“Welcome to Our Multilingual Text-to-Speech Systems”).

Wolf describes a gaming system having a dynamic menu system operable to perform various functions, including setup, configuration, and diagnostic functions as illustrated in Figures 22-26.

Lucent describes a test-to speech system, in which provided text such as an e-mail message is converted to speech and played via an audio system.

Lucent is dated December 15, 2006, and is further unavailable as a reference as the priority date of the pending application is December 12, 2003.

Further, no motivation for combination of these references is found in the references themselves, which are simply assembled piecemeal in an attempt to separately show existence of various elements of the pending claims. According to the MPEP and established caselaw, there

must be some teaching somewhere which provides the suggestion or motivation to combine prior art teachings and applies that combination to solve the same or similar problem which the claimed invention addresses. One of ordinary skill in the art will be presumed to know of any such teaching. (See, e.g., *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) and *In re Wood*, 599 F.2d 1032, 1037, 202 USPQ 171, 174 (CCPA 1979)). Also, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.* (emphasis in original).

Even were Lucent available as a reference, no such teaching is present in either Lucent or Wolf et al. These claims are therefore believed to be allowable over the cited art, and reexamination and allowance is respectfully requested.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolf et al. in view of Lucent as applied to claim 1 above, and further in view of Katz et al. (U.S. 6,448,280).

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolf et al. in view of Lucent as applied to claim 12 above, and further in view of Katz et al.

Claims 28-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolf et al. in view of Lucent as applied to claim 27 above, and further in view of Katz et al.

Each of these claims depends from a claim already shown to be allowable over the cited art as described above, and further cites the unavailable Lucent reference. Reexamination and allowance of these pending claims is therefore respectfully requested.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided

under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JACEK A GRABIEC

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9581

Date April 3 07

By



John M. Dahl
Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of April 2007.

Name Peter Rebeleni

Signature 